



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2306468
Applicant Name: Michael Magnussen of Seaborn Pile Driving for Bert Reid
Address of Proposal: 10228 Rainier Ave S

SUMMARY OF PROPOSED ACTION

Master Use Permit for the construction of a 68 foot long pier. The pier dimensions include a 4 foot by 33 foot long elevated walkway and a separate 6 foot by 35 foot walkway, connecting to a 8 foot by 12 foot 'ell' pier extending to the west.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ EIS

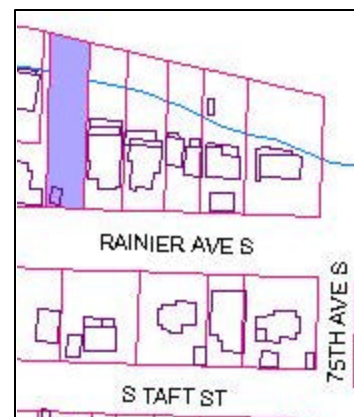
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition
or involving another agency with jurisdiction

BACKGROUND DATA

Site and Area Description

The proposal site is located along Lake Washington, approximately one mile southeast of the Rainier Beach Residential Urban Village. The site is home to a single family residence permitted under Project #2307294. The site is home to a regulated Steep Slope occurring over the western portion of the site. The development site of the pier on dry land flattens out in relation to the slopes present on the site. The surrounding areas are also marked by similar single family housing with accessory piers.



Zoning

Single Family 5000 (SF 5000) with the Urban Residential/Conservancy Recreation (UR/CR) Shoreline Master Program designations.

Proposal Description

The applicant proposes to construct a new pier consisting of two different sections, a 33-foot elevated walkway and a 35 foot long lower walkway. The 33 foot elevated walkway portion would include a 3 foot section over dry land, with the remaining over water. The portion of the pier on dry land falls within the Urban Residential Shoreline designation. The elevated walkway would be 4 feet wide with the lower walkway at 6 feet in width. The pier will extend into the lake approximately 65 feet from the rock water's edge as shown on plans. Small diameter steel pilings are proposed, as well as prisms and grating to allow penetration of ambient light below the structure. Portions of the pier (the bridge) are proposed to be only 4 feet wide to limit shade impacts on the nearshore aquatic environment. The remaining portions of the pier overwater fall within the Conservancy Recreation shoreline environment. A portion of the pier will be located beyond the property line within lands owned by King County but will not extend beyond the Inner Harbor Line as regulated by Washington State Department of Natural Resources. A Shoreline Exemption was granted for this project, based on the value of construction less than \$10,000.

Public Comment

No comments were received during the comment period that ended on November 26, 2003.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the Environmental Checklist (dated October 28, 2003), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts are expected: water impacts (disturbance of migrating fish by sedimentation and clouding due to pile driving); and 2) noise impacts (also due to pile driving). These impacts are not considered significant because they are temporary (Section 25.05.794, SMC). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

Water Impacts

Construction impacts to the lake environment will be mitigated by construction company procedures and the Washington Department of Fish and Wildlife's restrictions on construction times. Specifically, all construction work will occur from a floating barge; there will be no equipment on the shoreline and the barge will not be grounded. Construction activity will be restricted to the window, which is August 1 to October 30 as outlined in the biological evaluation. Conditions are imposed to address potential impacts from materials entering the water during construction.

Noise Impacts

Noise associated with pile driving would likely affect resident fish, but not adversely, according to the Columbia Research report. Because of the transient duration of the pile driving, no mitigation is warranted.

Compliance with these applicable policies and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. Other city codes and/or ordinances apply to the proposal and will provide mitigation for the environmental health impacts.

Long-term Impacts

Impacts on Fish

A Biological Evaluation to evaluate this project was prepared by Columbia Research and submitted on October 28, 2003. The anticipated long-term impact from this proposal is shading of the underwater area beneath the proposed dock. The biological evaluation reach as "may affect, not likely to adversely affect" determination with respect to Puget Sound bull trout and chinook salmon, which are listed as Threatened under the Endangered Species Act. Specifically, the proposal will mitigate these impacts by changes in the design and construction of the pier (there will be a reduction in the number of pilings used for support, a raised walkway ramp for greater clearance between the ramp and the water surface and hence less shading of the subsurface area in the near shore of Lake Washington, the installation of grating over the entire walkway, and planting of shoreline vegetation along the bank. Conditions are imposed over the life of the use to ensure that long-term fish protection measures are maintained.

Summary

In conclusion, several effects on the environment may result from the proposed development, however by following the proposed mitigation measures, these effects will not be long term or significant. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

Prior to Issuance of the Master Use Permit:

None.

During Construction

1. Appropriate BMPs shall be employed to prevent deleterious material from entering the Lake Washington during the proposed dock construction.
2. Any debris that enters the water during construction shall be collected and disposed of at the appropriate upland facility.
3. If heavy (sinking) debris enters the water during the proposed work the location of this debris shall be documented in a log that is kept at site for the duration of the project. When the proposed work is completed a diver shall retrieve the sunken debris and this material shall be disposed of at an appropriate upland facility.

For the life of the project:

The owner(s)/responsible party(s) shall comply with the following:

1. Vegetation planted along the shoreline shall be maintained according to Plans approved in this permit.
2. The light transmission features installed in the new decking shall be maintained through the life of the project through cleaning of the prisms or removal of the debris in the grating as appropriate.
3. All treated lumber to be used for the project shall meet or exceed the standards established in “Best Management Practices for the Use of Treated Wood in Aquatic Environments” developed by the Western Wood Preservers Institute <http://www.wwpinstitute.org/>.
4. Non-treated material shall be used in the decking.
5. Maintain the following aspects of the proposal: steel pilings, narrow bridge design, grating, barge-based construction, and window of construction between August 1 and October 30.

Signature: (signature on file) Date: May 6, 2004
Michael L Jenkins, Land Use Planner
Department of Planning and Development
Land Use Services